

**Washington County Land Use Authority Work Meeting  
February 24, 2009**

The Washington County Land Use Authority Work Meeting was held on Tuesday, February 24, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Debra Christopher, Dave Everett, Kim Ford, Doug Wilson, and Rick Jones. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Todd Edwards, Public Works Department, and County Administrator John Willie.

Excused: Julie Cropper and Joann Balen

Audience attendance: Laurence Parker, Robert Beers, Randy Taylor, Tina Esplin, Darwin Hall, Sandra Cox

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. DISCUSSION ITEM.** Review and make recommendations on Land Use Ordinance adoption of Section 10-25-1: Home Occupation. County initiated

The planner explained that this ordinance was drafted for review and consideration of adoption as a part of the Zoning Ordinance. Presently the home occupation business license is reviewed by staff and if the applicant meets the criteria set forth in the definition of Home Occupation then the business license is granted. This new ordinance would require additional review, tracking by the staff, and in some cases, inspections by the Building Department. The planner explained that the commissioners will need to address whether or not this is something that needs to be implemented in the unincorporated areas of the County. The planner advised that there were one hundred seventy-five (175) new business licenses obtained in 2007, and fifteen of those were located in a commercial zone. There were only twenty-six (26) new applications in 2008. There were seven (7) businesses reported, and five (5) of those were found not to be in violation. Fifty-four (54) current home occupation owners were invited to this meeting, and only a couple were actually in attendance. The planner explained that through discussion in the Land Use Authority Staff Meeting, it was recommended to leave the process as it is, and not make any changes at this time. The proposed draft was prepared for Santa Clara City and has requirements that the County wouldn't need, and there would be an expense to make any changes.

Sandra Cox, Diamond Valley business license owner, stated that she agrees with staff to leave it simple. Ms. Cox said that if she had any problem she would talk to her neighbors and work on resolving issues directly with them.

Chairman Stucki started reviewing the proposed ordinance paragraph by paragraph for pluses or minuses, but agreed with Staff's suggestion to not make changes at this time.

Because of the time, and the applicants for item #2 were in attendance and waiting, Chairman Stucki suggested tabling this item and going on to Item #2.

February 24, 2009 (continued)

**Motion was made by Commissioner Everett to table this item until Item #2 has been reviewed and action has been taken. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.**

When review for this item was resumed, Chairman Stucki asked for the consensus of the commission. Commissioner Ford voted to leave it as it is. Commissioner Everett agreed. Commissioner Wilson agreed, and added that very little restrictions should apply for home occupations unless they are a nuisance. Commissioners Christopher and Jones also agreed with Staff's recommendation. It was determined that this could be reviewed at a time of future growth.

Rachelle Ehlert explained the process of violations when they are reported. Kurt Gardner immediately writes a letter and gives the person a specific amount of time to come into compliance or prove that there is no violation. If it isn't corrected, the attorney's office gets involved. Ms. Ehlert stated that all reported violations have been resolved quickly and easily.

**Item #2. DISCUSSION ITEM.** Review suggested revisions to the subdivision ordinance by the Southwest Utah Public Health Department regarding additional alternative onsite wastewater systems. Laurence Parker/Southwest Utah Public Health Department, applicant.

The planner explained that this ordinance was drafted for review and consideration of adoption as a part of the Subdivision Ordinance on individual waste treatment facilities to be approved on a lot by lot basis. Presently, the ordinance does not allow for alternative wastewater systems in subdivisions or phases, in which wastewater disposal feasibility was issued by the Southwest Utah Public Health Department after December 9, 1997. There were three acceptable alternatives and now with improved methods, the packed bed media onsite system receives approval from the Southwest Utah Public Health Department.

The planner showed a map of the Ash Creek Special Service District on an overhead projector and explained that there was a resolution on July 15, 2008 to expand ACSSD boundaries, and on January 20, 2009. The Washington County Conservancy District was approved as the service provider for the west end of the County, but those documents have not been signed by the attorneys. The Ordinance amendment on Chapter 5 will need to be amended in conjunction with the approval and signing of that document by the Conservancy District. The agencies are working on getting together on March 12, 2009, to define the process standards used and the responsibilities.

Commissioner Wilson declared that he is an employee of the Washington County Water Conservancy District, and was advised that he could still participate in the discussion.

Darwin Hall, ACSSD Superintendent, explained that ACSSD wants to follow the Hansen, Allen

February 24, 2009 (continued)

and Luce Study that has specific density requirements, such as five (5) acres in New Harmony; nine (9) acres in the Hurricane area, and seven (7) acres around Apple Valley. This was in answer to Commissioner Everett's concern that some developers could hold back from putting in a sewer system and require each individual owner to provide their own system.

Laurence Parker, SWUPH, explained that the draft has been on the table long time, and since its conception a lot has happened, with the wastewater districts being the major thing. Mr. Parker said that the main question is whether the County wants to amend the ordinance or delete it and hand it over to the wastewater district. Whether the County wants their engineer or public works director to review the plat and make sure that the sewer questions are answered or hand it off and not worry about it. This should be decided at the Preliminary Plat level. It was noted that anything greater than five thousand (5,000) gallons per day per system (or lot) is regulated by the State.

The question was asked if an alternate system is used, would the lot be exempt from the density requirements. Mr. Parker said yes, and Mr. Hall said no.

Randy Taylor, DEQ, showed photos of systems installed in Washington County, and other locations in Utah including a small treatment house in Central; a new one in Veyo, used for underground drip irrigation; and one that was attached to a house in Central. Mr. Taylor also showed examples of the electronic control system; the inside gravel filter with an overhead sprayer; a gravel bed with a special air system, including an industrial scale of the same type of unit but larger and modular so it can be expanded as needed. There was a diagram showing how the systems works, and an explanation that there is no smell, and the units have to be inspected twice each year by a state-certified engineer.

**Item #3. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on February 17, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff members present: Deon Goheen, Planner; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, Washington County Public Works Engineer; Darwin Hall, Ash Creek Special Service District; Randy Taylor, Department of Environmental Quality; and Laurence Parker, Southwest Utah Public Health Department;

Excused: Ron Whitehead, Public Works Director and Tina Esplin, Washington County Water Conservancy District.

**CONDITIONAL USE PERMIT EXTENSION:**

**A.** Request permission to build a 2<sup>nd</sup> dwelling for a family member, within the OST-20 zone, generally located 2 miles north of Veyo. David & Lyne Morgan, applicant and Larry Andrews, agent.

February 24, 2009 (continued)

This is the 3<sup>rd</sup> extension. The planner explained that previously the applicant met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. The property is accessed from Hwy. 18 onto Veyo Rancho Rd., generally located north of Veyo and site plan meets all setback requirements. No permit has been issued as yet. **Staff felt the initial work that went into applying for the conditional use should be enough to keep the permit active, so they granted an extension of the Conditional Use for another year.**

**B.** Request permission to construct a 2<sup>nd</sup> dwelling for a family member on 20 acres, within the OST-20 zone west of Enterprise. Jeff T. Jacobsen, applicant.

The planner advised that this is a 2<sup>nd</sup> extension and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality of water from a private well. Dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 20 acres. The property is accessed from Hwy. 144 to the Old Hebron Road. There was a foundation inspection completed on May 11, 2007 by the Building Official Kurt Gardner and a 4-way on February 9, 2009, which failed. **Staff felt there should be no problem in granting an extension for the period of one (1) year.**

#### **CONDITIONAL USE PERMIT:**

**A.** Request permission to build a 2<sup>nd</sup> dwelling for a family member within the OST-20 zone located on Oak Grove Drive north of Leeds. Gary Crocker, applicant and Gerald Whipple and Marty Friedel, agents.

The applicant has submitted plans for a garage with living quarters, which would accommodate the overflow when they had company. A site plan, verification on existing septic being sufficient to handle additional unit, and quantity and quality of water from a private well is adequate. There is an existing 12,500 gallon water tank with a 2-inch line to the main house and that line will be extended to the new unit. Second dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 74 acres. The property is accessed from Silver Reef Road to 2205 Oak Grove Dr., generally located north of Leeds. **Staff approved the Conditional Use Permit for the period of one (1) year.**

**Item #4. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on February 17, 2009, beginning at 4:00 p.m. (a) Conditional use extension on guided ATV trail rides on

February 24, 2009 (continued)

County routes as an annual jamboree event to be held on March 12<sup>th</sup> - 14<sup>th</sup>, 2009, in Hurricane...Utah. Tri State OHV/Dale Grange, applicant; (b) Conditional use extension for a bike tour along County routes from Virgin to Rockville, beginning in the Blooming area and running to Zions National Park and back to St. George, as part of the Zion (Century) Country Early Spring Ride, Saturday, February 28, 2009...Bob Kinney/Bike 2 Bike, applicant; (c) Conditional use to locate a temporary hot mix plant within the M-1 zone, generally located south of the County Landfill, a portion of Section 20, T42S, R14W, SLB&M, Washington County unincorporated...Western Rock Products/Bob Roth, applicant; (d) Conditional use to expand the sewer lagoons for the Town of Enterprise within the A-20 Zone, Section 12, T38S, R17W, SLB&M, generally located 1/4 mile south of Enterprise...Enterprise City, applicant; and (e) Conditional use for a Lake to Lake Team Relay on March 7, 2009, from Gunlock Reservoir to Sand Hollow Reservoir to be sponsored by City of St. George Recreation...St. George City/Aaron Metler, applicant.

The planner reported that these items were approved by the County Commission, based on recommendation by the Planning Commission.

**Item #5. COMMISSION & STAFF REPORTS** General reporting on various topics. County initiated.

Reminder about luncheon at the Water Conservancy District on Tuesday, March 3, 2009.

There being no further business at 3:34 p.m., Chairman Stucki adjourned the meeting.

---

Donna Rasmussen, Planning Secretary